IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

CRL.A.No. 299 of 2000()

CC.17/1999 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O), ERNAKULAM DT..5.1.2000.
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APPELLANT: COMPLAINANT

M/S.CENTRAL ENGINEERS, KALOOR P.O., COCHIN 17, REP.BY ITS PROPRIETOR MR.V.MOHANDAS.

BY ADV. SRI.PAULSON C.VARGHESE

RESPONDENTS: ACCUSED
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1. **M/S.GENERAL ENGINEERS, NEAR YMCA, KUNNUMPURAM, FORTCOCHIN, COCHIN -1, REP.BY ITS PROPRIETOR MR.ANILKUMAR.**

2. **STATE OF KERALA, REP.BY ITS DIRECTOR GENERAL OF PROSECUTIONS HIGH COURT OF KERALA, ERNAKULAM.**

BY ADV. SRI.N.VIMALAN
SRI.BIJU M.JOHN
SRI.T.P.VARGHESE
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 06 / 07 /2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.299 of 2000

DATED THIS THE 6th day of July 2007

JUDGMENT

The appellant is the complainant in C.C.No.17/1999 in the file of the Additional Chief Judicial Magistrate (Economic offences), Ernakulam with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of wrong noting of he posting dates.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 08-08-2007. The court below shall issue summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO.299 of 2000

JUDGMENT

6-7-2007

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